DOUGLAS COUNTY DISTRICT ATTORNEY

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Traffic Infraction Diversion Program Guidelines

The Douglas County District Attorney has established the following guidelines for diversion of traffic infraction charges. Traffic infractions are violations for which a standard penalty is listed at K.S.A. 8-2118. See K.S.A. 21-3105. In addition, misdemeanor violations of K.S.A. 8-2503 and K.S.A. 8-142 (expired tag only) may be combined with an infraction for diversion.

Traffic Infraction Diversion Eligibility

Diversion is a privilege, not a right. No presumption in favor of diversion exists in any case. It is presumed that diversion is *not* appropriate in the following circumstances:

1. A driver or holder of a commercial driver's license may **NOT** enter into a diversion agreement pursuant to K.S.A. 8-2,150.
2. The current citation was issued as a result of an accident or if alcohol was a factor.
3. The offense was combined with certain major traffic offense, including but not limited to reckless driving, fleeing or attempting to elude, or leaving the scene/failure to report an accident.
4. The current citation is for a speed of 25 mph or more over the speed limit or for a violation committed in a construction or school zone or involving a school bus or emergency vehicle.
5. The applicant has had a diversion or amendment through this office or in the Douglas County District Court in the 12 months preceding the date of the violation
6. The applicant has active warrants.

Traffic Infraction Diversion Procedure

1. Applicant must attend all court appearances until finalized diversion agreement is filed. The process takes about four to six weeks from the date application and agreement isp submitted.
2. The diversion application must be completed on forms provided by the District Attorney's office.
3. A legible copy of the ticket must be submitted with the application.
4. The application must be sworn and signed in the presence of a notary, which may be done in the District Attorney's office during regular business hours (Monday through Friday, 8:30am-12pm, 1pm-5pm)
5. Applicant will be responsible for a diversion fee of $100, the fine amount(s), and court costs of $108.
6. **Payment shall be made with a personal check, cashier's check, or money order made payable to 'DA Custodial Fund'. Cash will not be accepted. Payment must be turned in with the diversion agreement.**

DOUGLAS COUNTY DISTRICT ATTORNEY'S OFFICE
TRAFFIC DIVERSION APPLICATION AND AGREEMENT

Full Name _____ Case Number _____

Charge(s)_____ Next court date and time _____

Ticket Number _____ Date of Birth _____ SS# _____ Sex _____
(As on ticket)

DL # & State _____ Phone _____

Email _____

Address_____Zip Code_____

City/State_____

COMMERCIAL DRIVER'S LICENSE HOLDERS ARE NOT ELIGIBLE FOR TRAFFIC DIVERSION

Upon acceptance of this agreement, the defendant agrees to do the following:
Pay Statutory fine of $_____
Pay diversion fee of $100.00
Pay court costs of $108.00

Total due $ _____
(Check or money order must be included with this document and made payable to 'DA Custodial Fund')

The defendant agrees to **waive all rights** to a speedy trial. The defendant acknowledges a right to consult with an attorney and understands that the District Attorney's Office cannot give legal advice on this matter. If proceeding without the advice of counsel, the defendant waives any right to an attorney. The defendant stipulates and agrees that the facts as presented in the Complaint in this matter are true.

Upon receipt of payment in the amount specified above and determination of eligibility, the State agrees to do the following: **Dismiss, with prejudice, the charges in the compliant. Defendant understands that if the application is denied, $25 of the diversion cost is non-refundable.**

I solemnly swear that I have read the foregoing Diversion Application and all of the information is true and correct to the best of my knowledge. I understand that giving false information will be a basis for denial of diversion or revocation of diversion including the reinstatement of charges against me.

_____ _____
Name (Printed) Signature

_____
Attorney for Defendant (if any)

Subscribed and sworn to before me on_____, _____

Notary Public:_____ My appointment expires: _____

_____
Assistant District Attorney

Deliver or mail this application with payment to the **District Attorney's Office, 111 E 11th St Unit 100, Lawrence, KS 66044**.

If you have any questions, please contact our office at **datraffic@dgcoks.gov** or call **785-841-0211**